UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/761,088
Filing Date: January 20, 2004
Appellant(s): BLACK, CHUCK A.

Edward J. Brooks III
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 27, 2008 appealing from the Office

action mailed August 22, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,819,028	Manghirmalani et al	10-1998
2004/0078683	Buia et al	4-2004
7,080,141	Baekelmans et al	7-2006

| 2005/0086502 | Rayes et al | 4-2005 |
| 2004/0122645 | Shevenell et al | 6-2004 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6, 8-16, 18, 19, and 21-37 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Manghirmalani et al (US Patent #5,819,028) in view of Buia et al (US

PGPUB US2004/0078683) in view of Baekelmans et al (US Patent #7,080,141).

Claim 1 discloses a network management station, comprising: a processor; a

memory coupled to the processor; and program instructions provided to the memory

and executable by the processor to: transmit a network management message to a

device connected to the network management station over a network; collect response

information from the device based on the network management message; receive

unsolicited information from the device; and analyze the response information and the

unsolicited information, which include information regarding device memory utilization,

buffer utilization, local area network (LAN) utilization, and cyclical redundancy checking

(CRC), according to a set of heuristics to provide a health measurement of the device.

Manghirmalani et al teaches a network managing station is a computer which includes a

processor and memory (figure 1, column 5, lines 20-37), the management station

queries agents for data (column 5, lines 38-46), the requested data is collected (column

5, lines 38-46), and the collected data which includes network utilization and error

information is analyzed and a health score is determined based on a formula (column 6,

lines 17-34). It fails to teach including information regarding device memory utilization

and buffer utilization, and receiving unsolicited information from the device. Buia et al

teaches a network management station receives unsolicited information from connected

devices (paragraph 25).

Manghirmalani et al and Buia et al are analogous art because they are both

related to monitoring networks.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the receiving of unsolicited information feature in Buia et al with the

system in Manghirmalani et al because efficiency and productivity of a network is

controlled (Buia, paragraph 25).

Manghirmalani et al in view of Buia et al teaches the limitations of as recited

above. It fails to teach including information regarding device memory utilization and

buffer utilization. Baekelmans et al teaches providing data regarding monitored memory

usage or utilization which is known to include buffer utilization of network devices

(column 6, lines 3-28).

Manghirmalani et al in view of Buia et al and Baekelmans et al are analogous art

because they are both related to monitoring network information.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring parameters in Baekelmans et al with the system in Manghirmalani et al in view of Buia et al because a network manager is enabled to proactively implement corrective measures before encountering a failure of the device (Baekelmans, column 2, lines 38-44).

Claim 2 discloses the network management station of claim 1, further including program instructions that execute to compare device processor utilization, device memory utilization, LAN utilization, errors, and trap information with one or more thresholds as parameters to the set of heuristics. Manghirmalani et al further teaches the load (column 9, lines 5-18), errors (column 9, line 56 – column 10, line 2), and trap information (column 6, lines 54-62) are monitored by the management station.

Claim 3 discloses the network management station of claim 1, wherein the set of heuristics include as parameters; processor utilization, statistics including discards, and frame check sequence (FCS) errors and number of broadcast, and traps, received as both solicited and unsolicited messages from the device. Manghirmalani et al further teaches the load (column 9, lines 5-18), errors (column 9, line 56 – column 10, line 2), trap information, and other device specific data is used to determine the health of the network (column 9, lines 1-5).

Claim 4 discloses the network management station of claim 1, further including program instructions that execute to analyzing unsolicited messages initiated from the device to a management program, the unsolicited messages selected from the group of: messages reporting successful events; messages reporting a traffic threshold; and

messages reporting a non-functioning component on the device. Buia et al further

teaches analyzes unsolicited information including data regarding the performance on

the network (paragraph 58).

Claim 5 discloses the network management station of claim 1, further including

program instructions that execute to collectively analyze all of the collected and

received information, both solicited and unsolicited, in order to formulate a health

measurement for the device and for the network. Manghirmalani et al further teaches

the data collected is used to formulate a health score for the device and the network

(column 6, lines 17-34, and column 7, lines 56-67).

Claim 6 discloses the network management station of claim 1, further including

program instructions that execute to assign pre-selected weight values to the collected

and received information, both solicited and unsolicited as part of an applied heuristic

and to use the weight values to provide the health measurement. Manghirmalani et al

further teaches weights are added to the collected data (column 7, lines 56-67).

Claim 8 discloses the network management station of claim 1, further including

program instruction that execute to implement different weight values to solicited and

unsolicited information as parameters to the set of heuristics as suited to a particular

type of network device. Manghirmalani et al further teaches the user may adjust the

weights assigned to the received information (column 7, lines 56-67).

Claim 9 discloses the network management station of claim 1, further including

program instruction that execute to implement different weight values to solicited and

unsolicited information as parameters to the set of heuristics as suited to a particular

type of network. Manghirmalani et al further teaches the user may adjust the weights

assigned to the received information (column 7, lines 56-67).

Claim 10 discloses the network management station of claim 1, wherein the

device and the station are connected over a LAN. Manghirmalani et al further teaches

the network may be any type of network including a LAN (figure 1, column 5, lines 15-

19).

Claim 11 discloses the network management station of claim 1, wherein the

device and the station are connected over a wide area network (WAN). Manghirmalani

et al further teaches the network may be any type of network including a WAN (figure 1,

column 5, lines 15-19).

Claim 12 discloses a network management station, comprising: a processor; a

memory coupled to the processor; and program instructions provided to the memory

and executable by the processor to: poll a device, connected to the network

management station over a network, with network management messages; receive

memory utilization, buffer utilization, local area network (LAN) utilization, and cyclical

redundancy checking (CRC) information in response to the polling and as unsolicited

information initiated by and transmitted from the device; and apply heuristics to the

received memory utilization, buffer utilization, LAN utilization, and CRC information from

the polling and unsolicited transmissions collectively to determine a health of the device.

Manghirmalani et al teaches a network managing station is a computer which includes a

processor and memory (figure 1, column 5, lines 20-37), the management station

queries agents for data (column 5, lines 38-46), load (column 9, lines 5-18), errors

(column 9, line 56 – column 10, line 2), and trap information (column 6, lines 54-62) are

received by the management station, and the collected data which includes network

utilization and error information is analyzed and a health score is determined based on

a formula (column 6, lines 17-34). It fails to teach including information regarding

device memory utilization and buffer utilization, and receiving unsolicited information

from the device. Buia et al teaches a network management station receives unsolicited

information from connected devices (paragraph 25).

Manghirmalani et al and Buia et al are analogous art because they are both

related to monitoring networks.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the receiving of unsolicited information feature in Buia et al with the

system in Manghirmalani et al because efficiency and productivity of a network is

controlled (Buia, paragraph 25).

Manghirmalani et al in view of Buia et al teaches the limitations of as recited

above. It fails to teach including information regarding device memory utilization and

buffer utilization. Baekelmans et al teaches providing data regarding monitored memory

usage or utilization which is known to include buffer utilization of network devices

(column 6, lines 3-28).

Manghirmalani et al in view of Buia et al and Baekelmans et al are analogous art

because they are both related to monitoring network information.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the monitoring parameters in Baekelmans et al with the system in

Manghirmalani et al in view of Buia et al because a network manager is enabled to

proactively implement corrective measures before encountering a failure of the device

(Baekelmans, column 2, lines 38-44).

Claim 13 discloses the network management station of claim 12, further including

program instructions which execute to display a visual indicator of the health of the

device. Manghirmalani et al further teaches an indicator of the device is shown on a

display (figure 2, and column 5, lines 51-63).

Claim 14 discloses the network management station of claim 13, further including

program instructions which execute to display additional detail report information upon a

selection of the visual indicator. Manghirmalani et al further teaches each devices

individual status may also be displayed (figure 2, column 5, lines 51-63).

Claim 15 discloses the network management station of claim 12, further including

program instructions that execute to register, as a parameter to the applied heuristics,

that data traffic through a port of the device is being under utilized. Manghirmalani et al

further teaches the load of a device is monitored and displayed (column 9, lines 5-55).

Claim 16 discloses the network management station of claim 15, further including

program instructions that execute to register, as a parameter to the applied heuristics,

that the data traffic through a port on another network device is overburdened.

Manghirmalani et al further teaches the loads of the devices connected are monitored

and displayed (column 9, lines 5-55).

Claim 18 discloses a method for network and network device monitoring,

comprising: transmitting a network management message to a device; collecting

response information from the device based on the network management message;

receiving unsolicited information from the device; and analyzing the response

information and the unsolicited information, which include information regarding device

memory utilization, buffer utilization, local area network (LAN) utilization, and cyclical

redundancy checking (CRC), according to a set of heuristics to provide a health

measurement for the device. Manghirmalani et al teaches a management station

queries agents for data (column 5, lines 38-46), the requested data is collected (column

5, lines 38-46), and the collected data which includes network utilization and error

information is analyzed and a health score is determined based on a formula (column 6,

lines 17-34). It fails to teach including information regarding device memory utilization

and buffer utilization, and receiving unsolicited information from the device. Buia et al

teaches a network management station receives unsolicited information from connected

devices (paragraph 25).

Manghirmalani et al and Buia et al are analogous art because they are both

related to monitoring networks.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the receiving of unsolicited information feature in Buia et al with the

system in Manghirmalani et al because efficiency and productivity of a network is

controlled (Buia, paragraph 25).

Manghirmalani et al in view of Buia et al teaches the limitations of as recited

above. It fails to teach including information regarding device memory utilization and

buffer utilization. Baekelmans et al teaches providing data regarding monitored memory

usage or utilization which is known to include buffer utilization of network devices (column 6, lines 3-28).

Manghirmalani et al in view of Buia et al and Baekelmans et al are analogous art because they are both related to monitoring network information.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring parameters in Baekelmans et al with the system in Manghirmalani et al in view of Buia et al because a network manager is enabled to proactively implement corrective measures before encountering a failure of the device (Baekelmans, column 2, lines 38-44).

Claim 19 discloses the method of claim 18, wherein the method further includes transmitting an SNMP message to the device. Manghirmalani et al further teaches SNMP is used to communicate with the device (column 6, lines 54-62).

Claim 21 discloses the method of claim 18, wherein the method further includes transmitting an ICMP ping to the device. Manghirmalani et al further teaches an ICMP ping is transmitted to the device (column 7, lines 4-6).

Claim 22 discloses the method of claim 18, wherein the method further includes receiving information using a telnet protocol. Manghirmalani et al further teaches any protocol which includes telnet may be used (column 5, lines 15-19).

Claim 23 discloses the method of claim 18, wherein the method further includes receiving traps from the device. Buia et al further teaches receiving traps from the devices (paragraph 25).

Claim 24 discloses the method of claim 18, wherein receiving unsolicited information includes unsolicited information relating to: processor utilization; and errors. Manghirmalani et al further teaches the load (column 9, lines 5-18), and errors (column 9, line 56 – column 10, line 2), are received by the management station.

Claim 25 discloses the method of claim 18, wherein receiving unsolicited information from the device includes receiving messages initiated from the device to a management program, including messages selected from the group of: messages reporting successful events; messages reporting a traffic threshold; and messages reporting a non-functioning component on the device. Buia et al further teaches analyzing unsolicited information including data regarding the performance on the network (paragraph 58).

Claim 26 discloses the method of claim 18, wherein the method further includes receiving a message, initiated from the device to a management program, which reports that a packet of data has been successfully sent from a port on the device. Buia et al further teaches receiving SNMP polling information which may include successful transmissions (paragraph 58).

Claim 27 discloses the method of claim 18, wherein the method further includes receiving a message, initiated from the device to a management program, which reports that the device is over burdened with traffic and may crash. Buia et al further teaches receiving information regarding the performance of a device (paragraph 58).

Claim 28 discloses the method of claim 18, wherein the method further includes receiving a message, initiated from the device to a management program, which reports

that a port on the device is not functioning. Buia et al further teaches receiving

information regarding device configuration and performance information (paragraph 58).

Claim 29 discloses the method of claim 18, wherein analyzing according to a set

of heuristics includes a heuristic having parameters selected from the group of:

processor utilization; a link up/down status; a trap receipt; a discard receipt; and a FCS

statistic. Manghirmalani et al further teaches the load (column 9, lines 5-18), errors

(column 9, line 56 – column 10, line 2), trap information, and other device specific data

is used to determine the health of the network (column 9, lines 1-5).

Claim 30 discloses a method for network and network device monitoring,

comprising: polling a device with network management messages; receiving memory

utilization, buffer utilization, local area network (LAN) utilization, and cyclical redundancy

checking (CRC) information in response to the polling and as unsolicited information

initiated by and transmitted from the device; and applying heuristics to the received

memory utilization, buffer utilization, LAN utilization, and CRC information from the

polling and unsolicited transmissions collectively to determine a health of the device and

the network. Manghirmalani et al teaches a management station queries agents for

data (column 5, lines 38-46), load (column 9, lines 5-18), and errors (column 9, line 56 –

column 10, line 2) are received by the management station, and the collected data

which includes network utilization and error information is analyzed and a health score

is determined based on a formula (column 6, lines 17-34). It fails to teach including

information regarding device memory utilization and buffer utilization, and receiving

unsolicited information from the device. Buia et al teaches a network management

station receives unsolicited information from connected devices (paragraph 25).

Manghirmalani et al and Buia et al are analogous art because they are both

related to monitoring networks.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the receiving of unsolicited information feature in Buia et al with the

system in Manghirmalani et al because efficiency and productivity of a network is

controlled (Buia, paragraph 25).

Manghirmalani et al in view of Buia et al teaches the limitations of as recited

above. It fails to teach including information regarding device memory utilization and

buffer utilization. Baekelmans et al teaches providing data regarding monitored memory

usage or utilization which is known to include buffer utilization of network devices

(column 6, lines 3-28).

Manghirmalani et al in view of Buia et al and Baekelmans et al are analogous art

because they are both related to monitoring network information.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the monitoring parameters in Baekelmans et al with the system in

Manghirmalani et al in view of Buia et al because a network manager is enabled to

proactively implement corrective measures before encountering a failure of the device

(Baekelmans, column 2, lines 38-44).

Claim 31 discloses the method of claim 30, wherein the method further includes

displaying a visual indicator of the determined health. Manghirmalani et al further

teaches an indicator of the device is shown on a display (figure 2, and column 5, lines 51-63).

Claim 32 discloses the method of claim 31, wherein the method further includes accessing additional report information by selecting the visual indicator. Manghirmalani et al further teaches each devices individual status may also be displayed (figure 2, column 5, lines 51-63).

Claim 33 discloses a computer readable medium having instructions for causing a device to perform a method, comprising: transmitting a network management message to a device; collecting response information from the device based on the network management message; receiving unsolicited information from the device; and analyzing the response information and the unsolicited information, which include information regarding device memory utilization, buffer utilization, local are network (LAN) utilization, and cyclical redundancy checking (CRC), according to a set of heuristics to provide a health measurement of the device. Manghirmalani et al teaches a management station queries agents for data (column 5, lines 38-46), the requested data is collected (column 5, lines 38-46), and the collected data which includes network utilization and error information is analyzed and a health score is determined based on a formula (column 6, lines 17-34). It fails to teach including information regarding device memory utilization and buffer utilization, and receiving unsolicited information from the device. Buia et al teaches a network management station receives unsolicited information from connected devices (paragraph 25).

Manghirmalani et al and Buia et al are analogous art because they are both related to monitoring networks.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the receiving of unsolicited information feature in Buia et al with the system in Manghirmalani et al because efficiency and productivity of a network is controlled (Buia, paragraph 25).

Manghirmalani et al in view of Buia et al teaches the limitations of as recited above. It fails to teach including information regarding device memory utilization and buffer utilization. Baekelmans et al teaches providing data regarding monitored memory usage or utilization which is known to include buffer utilization of network devices (column 6, lines 3-28).

Manghirmalani et al in view of Buia et al and Baekelmans et al are analogous art because they are both related to monitoring network information.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the monitoring parameters in Baekelmans et al with the system in Manghirmalani et al in view of Buia et al because a network manager is enabled to proactively implement corrective measures before encountering a failure of the device (Baekelmans, column 2, lines 38-44).

Claim 34 discloses a network management station, comprising: a processor; a memory coupled to the processor; means for receiving solicited and unsolicited information from a network device, the unsolicited information initiated by and transmitted from the network device, the solicited and unsolicited information including

memory utilization, buffer utilization, local area network (LAN) utilization, and cyclical

redundancy checking (CRC); and means for analyzing the received solicited and

unsolicited information collectively to provide a health measurement of the network

device. Manghirmalani et al teaches a network managing station is a computer which

includes a processor and memory (figure 1, column 5, lines 20-37), the management

station queries agents for data (column 5, lines 38-46), load (column 9, lines 5-18), and

errors (column 9, line 56 – column 10, line 2) are received by the management station,

and the collected data which includes network utilization and error information is

analyzed and a health score is determined based on a formula (column 6, lines 17-34).

It fails to teach receiving unsolicited information from the device. Buia et al teaches

including information regarding device memory utilization and buffer utilization, and a

network management station receives unsolicited information from connected devices

(paragraph 25).

Manghirmalani et al and Buia et al are analogous art because they are both

related to monitoring networks.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the receiving of unsolicited information feature in Buia et al with the

system in Manghirmalani et al because efficiency and productivity of a network is

controlled (Buia, paragraph 25).

Manghirmalani et al in view of Buia et al teaches the limitations of as recited

above. It fails to teach including information regarding device memory utilization and

buffer utilization. Baekelmans et al teaches providing data regarding monitored memory

usage or utilization which is known to include buffer utilization of network devices

(column 6, lines 3-28).

Manghirmalani et al in view of Buia et al and Baekelmans et al are analogous art

because they are both related to monitoring network information.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the monitoring parameters in Baekelmans et al with the system in

Manghirmalani et al in view of Buia et al because a network manager is enabled to

proactively implement corrective measures before encountering a failure of the device

(Baekelmans, column 2, lines 38-44).

Claim 35 discloses the network management station of claim 34, wherein the

means for receiving solicited information includes executing instructions to send a

simple network management protocol (SNMP) query to the network device.

Manghirmalani et al further teaches SNMP is used to communicate with the device

(column 6, lines 54-62).

Claim 36 discloses the network management station of claim 34, wherein the

means for receiving unsolicited information initiated by and transmitted from the network

device includes executing program instructions to record the unsolicited information and

to apply the unsolicited information as parameters in a heuristic analysis. Buia et al

further teaches receiving and processing the unsolicited information from the devices

(paragraph 25).

Claim 37 discloses the network management station of claim 36, wherein the

heuristic analysis includes program instructions that execute to assign pre-selected

weight values to the solicited and unsolicited information to provide the health measurement. Manghirmalani et al further teaches weights are added to the collected data (column 7, lines 56-67).

Claims 7, 17, 38, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Manghirmalani et al (US Patent #5,819,028) in view of Buia et al (US PGPUB US2004/0078683) in view of Baekelmans et al (US Patent #7,080,141) as applied to claims 6, 16, and 37 above, and further in view of Rayes et al (US PGPUB US2005/0086502).

Claim 7 discloses the network management station of claim 6, further including program instructions that execute to initiate network actions, based on the health measurement, to avoid potential issues with the device and the network. Manghirmalani et al in view of Buia et al in view of Baekelmans et al teaches the limitations of claim 6 as recited above. It fails to teach initiating network actions, based on the health measurement, to avoid potential issues with the device and the network. Rayes et al teaches based on network health, users may be shutdown so others will not be affected (paragraph 38).

Manghirmalani et al in view of Buia et al in view of Baekelmans et al and Rayes et al are analogous art because they are both related to network health monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the management station intervening feature in Rayes et al with the system in Manghirmalani et al in view of Buia et al in view of Baekelmans et al because smooth running of the network for others is ensured (Rayes, paragraph 38).

Claim 17 discloses the network management station of claim 16, further including program instructions that execute to initiate an action based on the determined health of device in order to avoid a problem on the device and the network. Manghirmalani et al in view of Buia et al in view of Baekelmans et al teaches the limitations of claim 16 as recited above. It fails to teach initiating network actions, based on the health measurement, to avoid potential issues with the device and the network. Rayes et al teaches based on network health, users may be shutdown so others will not be affected (paragraph 38).

Manghirmalani et al in view of Buia et al in view of Baekelmans et al and Rayes et al are analogous art because they are both related to network health monitoring.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the management station intervening feature in Rayes et al with the system in Manghirmalani et al in view of Buia et al in view of Baekelmans et al because smooth running of the network for others is ensured (Rayes, paragraph 38).

Claim 38 discloses the network management station of claim 37, further including program instructions that execute to initiate network actions based on the health measurement. Manghirmalani et al in view of Buia et al in view of Baekelmans et al teaches the limitations of claim 37 as recited above. It fails to teach initiating network actions, based on the health measurement, to avoid potential issues with the device and the network. Rayes et al teaches based on network health, users may be shutdown so others will not be affected (paragraph 38).

Manghirmalani et al in view of Buia et al in view of Baekelmans et al and Rayes

et al are analogous art because they are both related to network health monitoring.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the management station intervening feature in Rayes et al with the

system in Manghirmalani et al in view of Buia et al in view of Baekelmans et al because

smooth running of the network for others is ensured (Rayes, paragraph 38).

Claim 39 discloses the network management station of claim 38, further including

program instruction that execute selectively modify one or more parameters in the

heuristic analysis as suited to a particular type of network work and a particular type of

network device. Manghirmalani et al further teaches the user may adjust the weights

assigned to the received information (column 7, lines 56-67).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Manghirmalani et al (US Patent #5,819,028) in view of Buia et al (US PGPUB

US2004/0078683) view of Baekelmans et al (US Patent #7,080,141) as applied to claim

19 above, and further in view of Shevenell et al (US PGPUB US2004/0122645).

Claim 20 discloses the method of claim 19, wherein the method further includes

receiving return information contained in a management information base (MIB) of the

device. Manghirmalani et al in view of Buia et al in view of Baekelmans et al teaches

the limitations of claim 19 as recited above. It fails to teach receiving return information

contained in a management information base (MIB) of the device. Shevenell et al

teaches information regarding the device is received from the MIB of the device

(paragraph 50).

Manghirmalani et al in view of Buia et al in view of Baekelmans et al and

Shevenell et al are analogous art because they are both related to network

management.

At the time of the invention it would have been obvious to a person of ordinary

skill in the art to use the receiving information from the MIB feature in Shevenell et al

with the system in Manghirmalani et al in view of Buia et al in view of Baekelmans et al

because the topology of the network may be determined by the received information

(Shevenell, paragraph 50).

(10) Response to Argument

Issue A

Applicant asserts the prior art of Manghirmalani et al, Buia et al, and Baekelmans

et al, alone or in combination does not teach analyzing the response information and

the unsolicited information, which include information regarding device memory

utilization, buffer utilization, local area network (LAN) utilization, and cyclical redundancy

checking (CRC), according to a set of heuristics to provide a health measurement of the

device as stated in claim 1 and similarly stated in claims 12, 18, 30, 33, and 34.

Response to Issue A

The Examiner respectfully disagrees, Manghirmalani et al in view of Buia et al in

view of Baekelmans et al teaches analyzing various types of network data such as

network utilization and error information (Manghirmalani et al, column 6, lines 17-34), as

well as other network data such as unsolicited information received by a management

station in Buia et al (paragraph 25), which are obvious to one of skilled in the art

(Manghirmalani et al, column 6, lines 18-31) and data regarding device memory

utilization and buffer utilization (Baekelmans et al, column 6, lines 3-28) according to a

set of heuristics or pre-defined formulas to compute a health score (Manghirmalani et al,

column 6, lines 17-34).

In response to applicant's arguments against the references individually, one

cannot show nonobviousness by attacking references individually where the rejections

are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir.

1986).

Issue B

Applicant asserts the prior art of Manghirmalani et al, Buia et al, Baekelmans et

al, and Shevenell et al alone or in combination does not teach analyzing the response

information and the unsolicited information, which include information regarding device

memory utilization, buffer utilization, local area network (LAN) utilization, and cyclical

redundancy checking (CRC), according to a set of heuristics to provide a health

measurement of the device stated in claim 1 and similarly stated in claims 12, and 34

which claims 7, 17, 38, and 39 depend from.

Response to Issue B

The Examiner respectfully disagrees and refers back to the Response to Issue A

which addresses the arguments with regards to the independent claims.

Issue C

Applicant asserts the prior art of Manghirmalani et al, Buia et al, Baekelmans et al, and Rayes et al alone or in combination does not teach analyzing the response information and the unsolicited information, which include information regarding device memory utilization, buffer utilization, local area network (LAN) utilization, and cyclical redundancy checking (CRC), according to a set of heuristics to provide a health measurement of the device stated in claim 1 and similarly stated in claim 18 which claim 20 depends from.

Response to Issue C

The Examiner respectfully disagrees and refers back to the Response to Issue A which addresses the arguments with regards to the independent claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/B. J. G./

Brian Gillis
Examiner
Art Unit 2441
11/14/2008

/Larry D Donaghue/
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